



THE CITY OF NEW YORK
LAW DEPARTMENT

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BY FAX: (212) 805-7920

Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Sidibe v. City of New York, et al., 07 CV 6028 (SAS)

Dear Judge Scheindlin:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendant City of New York ("City").¹ I am writing with the consent of plaintiff's counsel Howard Adler, Esq. from the office of Khan, Gordon, Timko & Rodrigues P.C., first to respectfully request a sixty-day enlargement of time, from July 16, 2007 to September 14, 2007 within which this office may answer or otherwise respond to the complaint, and second for a corresponding adjournment of the initial conference currently scheduled for August 7, 2007 at 4:30 p.m. This is the City's first request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff was subjected to assault and battery as well as malicious prosecution. In addition to the City of New York, plaintiff also purports to name the New York City Police Department and Police Officer Frank Galia as defendants. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. An enlargement of time will allow this office to forward to plaintiff for execution a medical release and an authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Pursuant to that statute, all records concerning the arrest and prosecution of plaintiff were sealed by court order upon the termination of the criminal action in favor of plaintiff. Defendant cannot obtain these records

¹ On information and belief, Officer Frank Galia, who plaintiff purports to name as a defendant, has not yet been served with a copy of the summons and complaint in this action.

without the authorization, and without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, the City defendant requires this enlargement so that this office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

Moreover, the enlargement will allow us to ascertain whether the individually named defendant, Officer Frank Galia, has been served. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent Officer Galia. Officer Galia must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within requests extending the City's time to answer or otherwise respond to the complaint until September 14, 2007, and for a corresponding adjournment of the initial conference currently scheduled for August 7, 2007 at 4:30 p.m..

Thank you for your consideration in this regard.

Respectfully submitted,

Anna Nguyen (AN 6973)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX

Nicholas I. Timko, Esq.
Kahn, Gordon, Timko & Rodrigues P.C.
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Request granted. Defendants' response to the Complaint shall be submitted on or before September 14, 2007. The conference previously scheduled for August 7, 2007, is adjourned to October 8, 2007, at 4:30 p.m. No further so ordered. Omissions
Dated: July 17, 2007

Shira A. Scheindlin, U.S.D.J.